

TENNESSEE BOARD OF ALCOHOL AND DRUG ABUSE COUNSELORS
MINUTES

Date: May 21, 2004

Time: 12:00 p.m., CST

Location: Tennessee Room
Ground Floor, Cordell Hull Building
Nashville, TN

Board Members

Present: Chelsea Taylor
Karen Starr, Acting Chair
Michael Jackson

Board Members

Absent: Albert Richardson, Jr., Chair
Scott Sherrill

Staff Present: Joan Burk, Board Administrator
Nicole Armstrong, Advisory Attorney
Rick Agee, Unit Director

Ms. Starr, Secretary, and Acting Chair, called the meeting to order at 12:05 p.m. A sufficient number of board members were present to constitute a quorum.

Review Minutes

Upon review, Mr. Jackson made a motion, seconded by Mr. Taylor to approve the minutes as written. The motion carried.

Conflict of Interest Policy

Ms. Armstrong reviewed the Conflict of Interest Policy with the board asking members to please disclose any conflicts of interest they may have when sitting in on a case.

Disciplinary Report

Ms. Phelps reviewed the Disciplinary Report stating there is one Alcohol and Drug Abuse Counselor being monitored. The disciplined licensee is on a six months suspension which will expire August 2, 2004 if the disciplinary requirements are met. The licensee must appear before the board prior to reinstatement of his/her license.

Investigative Report

Ms. Phelps reviewed the Investigative Report stating there are still no complaints for the Alcohol and Drug Abuse Counselors Board.

Financial Report

Mr. Agee said the board has a cumulative negative carryover of -\$15,210, but with the new fee increases should bring the board's revenue up significantly next year.

Status Report

Mr. Agee reported there are 543 active, 90 voluntarily retired and 147 failed to renew Alcohol and Drug Counselors. Mr. Agee said there are 35 applications in process.

Administrator Report

Mr. Agee said the board needs better control on those persons not reporting address changes as there was a lot of returned certified mail when conducting the continuing education audit.

Mr. Agee asked the board to appoint a consultant to review continuing education. Ms. Starr said Kathy Benson volunteered to review continuing education. Mr. Taylor made a motion, seconded by Michael Jackson, to appoint Ms. Benson to review continuing education. The motion carried.

Report from Jerry Kosten, Rules Coordinator

Ms. Kosten said a rulemaking hearing was conducted May 3, 2004 to amend rule 1200-30-1.06 regarding fees. Mr. Kosten stated the fee increase should generate an extra \$25,000 a year for the board.

Upon discussion, Mr. Taylor made a motion seconded by Mr. Jackson, to accept the amendment as written. A roll call vote was conducted and all members voted in the affirmative. The motion carried.

Mr. Kosten asked if there were any decisions made at the Task Force meeting that require rule changes. Ms. Starr said the decisions contained nothing relevant to rule changes.

Ms. Starr asked Ms. Burk to put the Task Force findings on the agenda for discussion at the next meeting.

Mr. Kosten said a proposal was made by lawmakers that funds be taken from the A & D Bureau to support gambling addiction. Mr. Kosten said if the board wanted to change the statute to include gambling addiction to the board's scope of practice it must be done by legislation.

Ms. Armstrong said the bill which closes boards that are in the red for one year has stalled for the present time.

Report by Nicole Armstrong, Advisory Attorney

Ms. Armstrong stated the following rules are currently under review by the Attorney General:

Rules 1200-30-1-.04, .05 and .08, regarding the addition of a jurisprudence exam to the application package.

Rule 1200-30-1-.15, regarding orders of compliance and modification and personal appearances of disciplined licensees.

Rule 1200-30-1-.09 and .12, regarding multi-media continuing education and proof of continuing education for license reinstatements.

Mr. Armstrong said there are two files pertaining to the board in the Office of General Counsel but no contested case hearings are scheduled for presentation at today's meeting.

Task Force Meeting Report

Ms. Benson reported on the Task Force Meeting stating representatives of TAADAC and TAADAS attended the meeting to discuss the high failure rate of oral exams. Ms. Benson said the clinical supervisor should take the bulk of the responsibility for training and accountability although the oral exam is very subjective and hard to measure. Ms. Benson said the Task Force recommended that she contact NAADAC regarding their oral exams tests for presentation to the Board and Task Force Committee at the August meeting. Ms. Benson said the Task Force will meet with the Board at that meeting.

The board changed the August 9, 2004 board meeting date to August 13, 2004 at 9:00 a.m. due to Ms. Starr being on military duty August 9, 2004.

Discuss Rule 1200-30-1-.10(2), application for Certificate of Qualified Clinical Supervision

Mr. Agee said administration will provide the board a list of Alcohol and Drug Abuse Counselors licensed five or more years for their review in regards to the new Certificate of Qualified Clinical Supervision rule.

In discussion of the new rule, Ms. Armstrong was asked to review the rule and the intent of the Board for discussion at the August meeting.

Ms. Burk said a licensee contacted her requesting a Certificate of Qualified Clinical Supervision. The board said for the interim they will issue sealed letters, and send a mailing to Alcohol and Drug Abuse Counselors licensed five and more years explaining

the certificate. The board asked Ms. Benson to draft a letter for the Board's review at the next Board meeting.

Discuss and vote to adopt disciplinary guidelines

Ms. Bell said she developed the disciplinary guidelines based on the scope and severity of the discipline, such as level 2 is a letter of reprimand and/or a Type C civil penalty and level 3 is suspension. Ms. Bell asked the Board to ratify the guidelines if they were comfortable with the guidelines.

Mr. Taylor made a motion, seconded by Mr. Jackson, to adopt the disciplinary guidelines as written. The motion carried.

Discuss and consider continuing education requests

Mr. Jackson made a motion, seconded by Mr. Taylor, to accept the continuing education course offered by **MEDSPDN**, titled Tennessee Medical Records, Privacy Issues & HIPAA, on September 15, 2004 in Nashville, Tennessee. The motion carried.

File Review

Upon file review, the board makes the following recommendations:

Susan Barrier - Approved to take the written exam

Andrea Dixon – Approved for licensure by reciprocity

Earle Harrington – Approved to take the written exam

William Raybourne - Approved to take the written test

Ratify Oral Examination Results

Mr. Taylor made a motion, seconded by Mr. Jackson, to ratify the following oral examination results:

Melissa Tull	-	Pass
Andrew Anderson	-	Fail
Damon Deal	-	Fail
Deborah Nash	-	Fail

The motion carried.

Ratify Reinstated Licenses

Mr. Jackson made a motion, seconded by Mr. Taylor, to ratify the following reinstated license:

Patricia Headrick Ballard

The motion carried.

Ratify Closed File

Mr. Taylor made a motion, seconded by Mr. Jackson, to ratify the following closed file:

Mark Hofheins, Sr.

The motion carried.

With no other board business to conduct, Mr. Jackson made a motion, seconded by Mr. Taylor, to adjourn the meeting at 4:00 p.m.

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